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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 TAMI GALLUPE,

11 Plaintiff,

12 v.

13 SEDGWICK CLAIMS  
14 MANAGEMENT SERVICES INC.;  
15 MONSANTO COMPANY  
16 DISABILITY PLAN; MONSANTO  
17 COMPANY EMPLOYEE WELFARE  
BENEFIT PLAN; and MONSANTO  
COMPANY EMPLOYEE BENEFITS  
PLAN COMMITTEE,

18 Defendants.

CASE NO. C17-1775-MJP

ORDER CLARIFYING THE SCOPE  
OF THE ADMINISTRATIVE  
RECORD

19 THIS MATTER comes before the Court on Plaintiff's Motion to Clarify the Scope of the  
20 Administrative Record. (Dkt. No. 61.) Having reviewed the Motion, the Response (Dkt. No.  
21 63), the Reply (Dkt. No. 65), and all related papers, the Court ORDERS as follows:

22 In an action seeking benefits under the Employee Retirement Income Security Act of  
23 1974, 29 U.S.C. § 1001 et seq., the administrative record is limited to "the papers the insurer had  
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1 when it denied the claim.” Montour v. Hartford Life & Acc. Ins. Co., 588 F.3d 623, 632 n.4 (9th  
2 Cir. 2009) (citation omitted). The Declaration of Leah Starr (“Starr Declaration”) was created on  
3 June 18, 2018—more than six months after Plaintiff’s claim for benefits was denied—by an  
4 employee of Sedgwick Claims Management Service, Inc. (“Sedgwick”), and was not among the  
5 papers Sedgwick had when it denied the claim. (See Dkt. No. 64, Ex. A.) Nor is there any  
6 evidence properly before the Court showing that Sedgwick had the template letters attached to  
7 the Starr Declaration when it denied the claim, or that it relied upon those template letters in its  
8 denial.

9 Therefore, the Court ORDERS that the Starr Declaration and attached exhibits be  
10 excluded from the Administrative Record.

11 The clerk is ordered to provide copies of this order to all counsel.

12 Dated September 20, 2018.

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15 Marsha J. Pechman  
16 United States District Judge  
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